

NOTICE and ORDER of CONTINUED HEARING

UNITED STATES OF AMERICA

v.

KEVIN MCCALL

CITATION NO.: E1167796

6:23-po-00337-HBK

Type of Case: CENTRAL VIOLATIONS BUREAU VIOLATION NOTICE

TAKE NOTICE that a Court proceeding in this case has been **CONTINUED** from the hearing date of **October 17, 2023** to:

DATE/TIME: Tuesday, December 12, 2023, 1:00 PM

LOCATION:
U.S. MAGISTRATE JUDGE COURTROOM
U.S. District Courthouse - Yosemite
9004 Castle Cliffs Ct
Yosemite Valley, California 95389

OFFENSE(S): 36 CFR 2.35(b)(2) POSSESSION OF A CONTROLLED SUBSTANCE

CONTINUANCE REQUEST: First

YOU ARE HEREBY ORDERED TO APPEAR AT THE CONTINUED COURT DATE REFERENCED ABOVE.

A Failure to Appear on the above date will result in an Issuance of a Bench Warrant and/or Abstract on your Driving Record, depending on the charges.

The Court will grant one request for a continuance of the court date. The Deputy Clerk will inform the United States Attorney's office of the continuance, and will mail the defendant a copy of this Notice and Order and the Court's continuance policy.

To obtain a second continuance of a court date, a defendant must submit his or her request to the court in writing, and must also send a copy of the request to the **United States Attorney, Misdemeanor Unit, 2500 Tulare Street, 4th Floor - Suite 4401, Fresno, CA 93721**. The request must inform the court that this is a second time the defendant has sought a continuance of his or her court date, and must provide a statement of "good cause" for the continuance. The request must be received by the court no later than **1 week** before the scheduled court date. The court will not act on the request for 3 days, giving the United States Attorney an opportunity to object. After the 3 day objection period, the Judge will consider the written request and any objection. The Deputy Clerk will then inform the litigant and the United States Attorney of the Court's decision. No more than 2 continuances will be granted absent extraordinary circumstances and no continuance will be granted after the hearing date has passed.

Dated: _____
October 16, 2023

/s/ Helena Barch-Kuchta
U.S. Magistrate Judge Helena Barch-Kuchta

cc: U.S. Attorney, Fresno Office - Misdemeanor Unit
Federal Defender, Fresno Office

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO CENTRAL VIOLATIONS BUREAU CALENDAR**

**COURT POLICY REGARDING
CONTINUANCES OF COURT DATES BY PRO SE DEFENDANTS
REVISED OCTOBER 15, 2013**

- 1) The Court may grant one request for a continuance of a court date by a pro se defendant. The decision to grant a continuance is based upon the nature of the case and other factors. The Deputy Clerk will inform the United States Attorney's office of the continuance, and will mail the pro se defendant a copy of the Notice of Continued Hearing and policy.
- 2) To obtain a second continuance of a court date, a pro se defendant must submit his or her request to the court in writing, and must also send a copy of the request to the United States Attorney, c/o Misdemeanor Unit, 2500 Tulare Street, 4th Floor - Ste. 4401, Fresno, CA 93721. The request must inform the court that this is a second time the pro se litigant has sought a continuance of his or her court date, and must provide a statement of good cause for the continuance. The request must be received by the court no later than one week before the scheduled court date. The court will not act on the request for three days, giving the United States Attorney an opportunity to object. After the three (3) day objection period, the Judge will consider the written request and any objection. The Deputy Clerk will then inform the pro se defendant and the United States Attorney of the Court's decision. No more than two (2) continuances will be granted absent extraordinary circumstances.
- 3) Any pro se defendant seeking a third or further continuance must submit his or her request to the court in writing, and also serve the United States Attorney a copy of the request. The pro se defendant must inform the court how many continuances he or she has previously been granted, and must also provide an explanation of the extraordinary circumstances justifying a third or further continuance. Such a request must be received by the court no later than two (2) weeks before the scheduled court date. The court will not act on the request for one (1) week, giving the United States Attorney an opportunity to object. After the one (1) week objection period, the Judge will consider the written request and any objection. The Deputy Clerk will then inform the pro se defendant and the United States Attorney of the Judge's decision.

Even if the request for continuance is not opposed or even agreed to by the United States Attorney, the Court may still deny the request.